

REMARKS/ARGUMENTS

Status of the Claims

Claims 1 and 8 are currently amended.

Claims 6 and 13-18 have been canceled.

Claim 28 is new.

Thus, claims 1-5, 7-12, and 19-28 are currently pending in this application.

Claim Objections

Claim 8 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended claim 8 to provide proper antecedent basis for the recited limitation.

Rejections under 35 USC § 103(a)

Claims 1-5, 7, 9-12, and 19-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wong et al. (Nano Letters, 2001, Vol.1, No.11, p. 6370642) (hereinafter “Wong”) in view of Brinker et al. (Adv. Mater., 1999, 11, No.7, p. 579-585) (hereinafter “Brinker”). Claims 6 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wong in view of Brinker and further in view of Abe et al., U.S. Patent No. 5,439,865 (hereinafter “Abe”). The rejected claims depend from amended independent claim 1 and thus the rejections stand or fall on the application of the cited references to amended independent claim 1. Applicants’ amended claim 1 recites:

“A process for making a porous catalyst, comprising
a) providing an aqueous solution containing a nanoparticle precursor;
b) forming a composition containing nanoparticles;
c) adding a first catalytic precursor and a pore-forming agent to the composition containing nanoparticles and allowing the first catalytic precursor, the pore-forming agent, and the nanoparticles to form a clear solution;

- d) **air drying the clear solution at about room temperature** so as to allow an organic-inorganic material gel structure to form; and
- e) removing the pore-forming agent from the organic-inorganic structure so as to yield a porous catalyst.” (Claim 1, emphasis added)

Applicants have amended the claim to include the limitation “air drying the clear solution at about room temperature.” Support for this amendment can be found in paragraph [0036] of the instant application. This limitation is not disclosed by the primary reference *Wong*. Further, the omissions of *Wong* cannot be remedied by the secondary references as they are also silent as to the Applicants’ claimed subject matter. In consideration of the foregoing, Applicants respectfully submit claim 1 and all claims depending therefrom are in condition for allowance.

New Claim

New claim 28 recites novel and nonobvious aspects of the Applicants’ inventive matter. Support for claim 28 can be found in paragraph [0042] of the instant application. Claim 28 depends from independent claim 1 and is likewise allowable over the cited references for the reasons set forth above.

CONCLUSION

Consideration of the foregoing and reconsideration of the application, and withdrawal of the rejections are respectfully requested by the Applicants. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Final Office Action dated September 8, 2008 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to contact the undersigned at the telephone number given below.

Respectfully submitted,
CONLEY ROSE, P.C.

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